

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALLYN SCRIBNER §
VS. § CIVIL ACTION NO. 1:04cv409
LANNETTE LINTHICUM §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Allyn Scribner, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Lannette Linthicum. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

The defendant has filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

Plaintiff complains that he has not received dentures. The magistrate judge concluded that as there was no competent summary judgment evidence demonstrating the defendant knew plaintiff was

having problems with his teeth or objected to the policy regarding providing inmates with dentures, there was no genuine issue of material fact as to whether the defendant was deliberately indifferent to plaintiff's serious medical needs. In his objections, plaintiff states he wrote the defendant on two occasions regarding his problems.

Accepting plaintiff's statement as true, the record contains no evidence which would demonstrate the defendant ever received the letters. As a result, the magistrate judge's conclusion that there was no competent summary judgment evidence demonstrating the defendant was aware of plaintiff's problems was correct. Plaintiff's objections are therefore without merit.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this action.

So **ORDERED** and **SIGNED** this **14** day of **June, 2006**.



Ron Clark, United States District Judge